IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.179 OF 2005

Shri Ramprasad R. Chaurasia .. Appellant
(Org. Plaintiff)

vs.

Municipal Corporation of Gr. Bombay & Anr. .. Respondent.
(Org. Respondent)

M/s. M.P.Vashi & Associates, Advocate for the Appellant.

Ms.Geeta Joglekar, Advocate for the Respondent No.1.

Mr. Sanjay Jain i/b. Jay Bhatia for Respondent No.2.

CORAM : A.S.OKA, J.

DATED : 28th February, 2005.

P.C. :

1. After arguing the appeal for some time the learned Counsel appearing for the Appellant stated that in view of recent judgment of the learned Single Judge of this Court, a Civil Suit for challenging the action under section 55 of the

Maharashtra Rgional and Town Planning Act,1966 may not be maintianable. Hence the learned Counsel seeks permission to withdraw the suit filed in the City Civil Court with liberty to adopt appropriate proceeding for challenging the impugned notice.

2. Heard the Counsel appearing for the parties. Request made by the learned Counsel for the appellant is reasonable. Hence I pass the following order:

(i) L.C.Suit No.1260 of 1999 is dismissed as withdrawn. Notwithstanding the dismissal of the suit, the Appellant will be at liberty to adopt appropriate proceedings for challenging the impugned notice and order.

(ii) To enable the appellant to adopt appropriate proceedings, the ad-interim order passed by this Court on 14.2.2005 will continue to operate for a period of five weeks from today.

. Appeal is disposed of with no orders as to costs.

. The learned Judge will pass a formal order on the plaint on production of an authenticated copy of this order.

. All concerned to act on the authenticated copy of this order.

(A.S.Oka, J.)